

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CONGREGATION RABBINICAL COLLEGE OF
TARTIKOV, INC., RABBI MORDECHAI BABAD, RABBI
WOLF BRIEF, RABBI HERMEN KAHANA, RABBI MEIR
MARGULIS, RABBI GERGELY NEUMAN, RABBI
MEILECH MENCZER, RABBI JACOB HERSHKOWITZ,
RABBICHAIM ROSENBERG, RABBI DAVID A. MENCZER,
RABBI ARYEH ROYDE, and KOLEL BELZ OF MONSEY,

07 Civ. 6304 (KMK)(GAY)

Plaintiffs,

DECLARATION

-against-

VILLAGE OF POMONA, NY; BOARD OF TRUSTEES OF
THE VILLAGE OF POMONA, NY; NICHOLAS SANDERSON,
AS MAYOR; IAN BANKS, ALMA SANDERS ROMAN,
RITA LOUIE and BRETT YAGEL, AS TRUSTEES
AND IN THEIR OFFICIAL CAPACITIES,

Defendants.

-----X
STATE OF NEW YORK)
)
COUNTY OF ROCKLAND) ss:

PAUL SAVAD, being duly sworn, deposes and says:

1. I am duly admitted to practice in this Court, and am one of the attorneys for the Plaintiffs in the above-captioned action.
2. The annexed memorandum of law is submitted in opposition to the Defendants' Motion to Dismiss the plaintiffs' Complaint.
3. I submit this declaration to transmit to the Court the documents referred to in the memorandum of law.

4. The following Exhibits are annexed:

- EXHIBIT 1: Village of Pomona Code §130-4 (Definitions).
- EXHIBIT 2: Village of Pomona Code §130-5 (District Classification).
- EXHIBIT 3: Village of Pomona Code §130-9 (Permitted Uses).
- EXHIBIT 4: Village of Pomona Code §130-10 (Special Use Permits).
- EXHIBIT 5: Village of Pomona Code Chapter 126, Wetlands Protection.
- EXHIBIT 6: Amendment to Village of Pomona Dormitory Law.
- EXHIBIT 7: Village of Pomona Code §130-28 (Powers and Duties).
- EXHIBIT 8: Village of Pomona Code §130-35 through §130-45 (Amendments).
- EXHIBIT 9: Portion of Transcript from Village of Pomona Board of Trustees Meeting and Public Hearing on Wetlands and Dormitory Laws, January 22, 2007.
- EXHIBIT 10: Transcript and DVD of Village of Pomona Mayor Nick Sanderson Campaign Video.
- EXHIBIT 11: Campaign literature posted on <http://villagecommunityparty.com/candidates> for Brett Yagel.
- EXHIBIT 12: Campaign literature posted on <http://villagecommunityparty.com> for Mayor Sanderson, Rita Louie and Brett Yagel.
- EXHIBIT 13: Editorials posted on <http://www.lohud.com> on March 16, 2007 by Brett Yagel and Nick Sanderson regarding their campaign in Pomona.
- EXHIBIT 14: Portion of transcript from Village Board Meeting and public hearing on Wetlands Protection, March 26, 2007.

- EXHIBIT 15: Frequently Asked Questions, New York State Department of Education, What is "Consent of the Commissioner?",
<http://counsel.nysed.gov/forms/ques.html>.
- EXHIBIT 16: Portion of Transcript from Public Hearing on Village of Pomona Budget for 2007-2008, April 12, 2007.
- EXHIBIT 17: Correspondence from Paul Savad, Esq. to Doris Ulman, Esq. dated March 26, 2007 and May 10, 2007.
- Correspondence from Paul Savad, Esq. to the Village Board of Trustees dated April 25, 2007.
- Correspondence from Paul Savad, Esq. to Mayor Nick Sanderson dated June 22, 2007.
- EXHIBIT 18: Correspondence from Doris Ulman, Esq. to Paul Savad, Esq. dated May 9, 2007 and May 14, 2007.
- Correspondence from Mayor Nick Sanderson to Paul Savad, Esq. dated July 3, 2007.
- EXHIBIT 19: *Church of the Hills v. Twp. of Bedminster*, 2006 WL 462674, slip op. (D.N.J. Feb. 24, 2006).
- EXHIBIT 20: Brief of the United States as *Amicus Curiae* in Opposition to Defendants' Motion for Summary Judgment at 20-22, *Albanian Associated Fund v. Township of Wayne*, Civ. No. 2:06-3217 (filed July 19, 2007).

5. The following Affidavits are also annexed by name:

Affidavit of Michael Tauber, affirmed January 14, 2008, with letter from Bernard Fryshman dated January 9, 2008 annexed as Exhibit "A".

Affidavit of Rabbi Mordechai Babad affirmed January 10, 2008.

Affidavit of Rabbi Naftali Babad affirmed January 10, 2008, with two photographs of Tartikov in Brooklyn annexed as Exhibit "A".

Affidavit of Rabbi Meilech Menczer affirmed January 10, 2008.

Affidavit of Rabbi Wolf Brief affirmed January 10, 2008.

Affidavit of Rabbi Hermen Kahana affirmed January 10, 2008.

Affidavit of Rabbi Gergely Neumann affirmed January 10, 2008.

Affidavit of Rabbi Jacob Hershkowitz affirmed January 10, 2008.

Affidavit of Rabbi David A. Menczer affirmed January 10, 2008.

Affidavit of Rabbi Aryeh Royde affirmed January 10, 2008.

Affidavit of Rabbi Chaim Rosenberg affirmed January 10, 2008.

Affidavit of Rabbi Gershon Fleishman affirmed January 10, 2008.

Affidavit of Rabbi Meir Margulis affirmed January 10, 2008.

Affidavit of Laura M. Kraemer dated January 14, 2008.

Conclusion

For the reasons set forth in the accompanying memorandum of law and exhibits, the Plaintiffs respectfully request that the Defendants motion to dismiss be denied in its entirety, together with such other and further relief as this Court deems just, proper and equitable.

Dated: Nanuet, New York
January 14, 2008



PAUL SAVAD (5358)